

Service Date: May 15, 1980

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER of the Application)
by BLACK HILLS POWER AND LIGHT)
COMPANY for Exemption From The)
Filing Requirements of the Public)
Utility Regulatory Policies Act)
of 1978.)
_____)

UTILITY DIVISION
DOCKET NO. 80.4.15
ORDER NO. 4647

FINDINGS OF FACT

1. On April 21, 1980 the Public Service Commission received the request from the Black Hills Power and Light Company for exemption from participation in any proceedings before the Commission resulting from the Public Utility Regulatory Policies Act of 1978 (PURPA). The Company's request was based on its contention that the costs of participation would far exceed any benefits which might be derived by its forty (40) Montana customers.

2. The Public Utility Regulatory Policies Act of 1978 (PURPA) requires all utilities to gather information and consider certain ratemaking standards, the objectives of which are to encourage:

- (a) energy conservation
- (b) efficiency of resources
- (c) equitable rates to consumers

3. The Montana Public Service Commission should promote these three objectives of PURPA whenever feasible.

4. To require the Black Hills Power and Light Company to supply information necessary for consideration of PURPA Sections 111, 112 and 114, ratemaking standards would impose costs that far outweigh any possible benefit. Thus the results would be contrary to the three objectives of PURPA.

CONCLUSION OF LAW

1. According to an interpretation of PURPA by the U.S. Department of Energy, this Commission has the authority to exempt Black Hills Power and Light Company from Sections 111, 112 and 114 of PURPA.

ORDER

1. The Black Hills Power and Light Company is hereby exempted from the requirements of Sections 111, 112 and 114 of the Public Utility Regulatory Policies Act of 1978, Public Law 95-617.

2. Black Hills Power and Light Company shall forward to the Commission any orders issued by the state regulatory authorities of Wyoming and South Dakota which reflect consideration of the standards listed in Sections 111, 112 and 114 of PURPA.

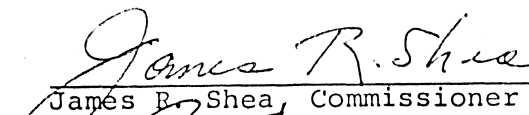
DONE IN OPEN SESSION by a vote of 5 - 0 at a meeting of the Public Service Commission held on May 12, 1980 at Helena, Montana.

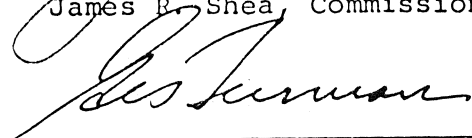
BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.


Gordon E. Bollinger, Chairman

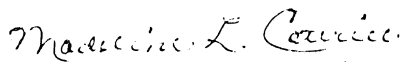

Clyde Jarvis, Commissioner


Thomas J. Schneider, Commissioner


James R. Shea, Commissioner


George Turman, Commissioner

ATTEST:


Madeline L. Cottrill
Secretary

(SEAL)

NOTE: You may be entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38-2.2(64)-P2750, ARM.